

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

Constantine Drosis

Joy Drosis

Debtors.

CASE NO: 20-49955

JUDGE: Joel D. Applebaum

CHAPTER: 7

**RESPONSE TO WELLS FARGO BANK, N.A.'S MOTION FOR RELIEF
FROM THE AUTOMATIC STAY AND ENTRY OF AN ORDER WAIVING
THE PROVISIONS OF FED. R. BANKR. P. 4001(a)(3)**

NOW COMES the Chapter 7 Trustee, Michael A. Stevenson, (the “Trustee”) by and through his attorney, Stevenson & Bullock PLC, and in support of his Response to Wells Fargo Bank N.A.’s Motion for Relief from the Automatic Stay and Entry of an Order Waiving the Provisions of Fed. R. Bankr. P. 4011(a)(3) states as follows:

1. Denied. The holder of the mortgage on the real property located at 32775 Red Oaks Trail, Beverly Hills, MI 48025 (the “Real Property”) attached to the Motion is Wells Fargo Home Mortgage, Inc.
2. Denied. According to the Note attached to the Motion, Wells Fargo Home Mortgage, Inc. is the entity entitled to enforce the attached Note.
3. No response needed as paragraph three (3) is not an allegation, but a statement regarding COVID-19.

4. Admit that the Debtors filed their Chapter 7 Bankruptcy case on September 22, 2020.
5. Deny that the Debtors' Statement of Intentions indicates that the Debtors are surrendering the Real Property to the Movant.
6. Admit that 11 U.S.C. §362(d) indicates what Movant says it says.
7. Neither admit nor deny that the mortgage is delinquent as the Trustee is without sufficient information with which to form a response, therefore, the allegation is denied.
8. Deny that any amount is owed to Movant, as Movant is not the mortgage holder pursuant to the Mortgage attached to the Motion.
9. Admit that the Michigan Department of Treasury has a lien on the Real Property in the approximate amount of \$61,672.68.
10. Admit that the Oakland County Treasurer has a lien on the Real Property in the approximate amount of \$5,800.94.
11. Admit that the Oakland County Treasurer has a lien on the Real Property in the approximate amount of \$689.70.
12. Admit that Chase Bank has a lien on the Real Property in the approximate amount of \$13,815.00.
13. Deny that the amount owed on the Real Property is approximately \$300,879.18. The Trustee would further state that the approximate

amount owed on the Real Property is \$288,345.75 based on the Debtors' Schedule D.

14. Deny that the approximate value of the Real Property is \$450,000.00. The Trustee would further state that the value of the Real Property is \$495,000.00, which is what the Real Property is listed for sale for by the Trustee's Realtor.
15. Deny that there is cause for relief from the automatic stay. The Trustee would further state that using the figures in Movant's Motion, there is, at minimum, \$149,120.82 in equity, which does not support relief from the automatic stay.
16. Admit that a copy of the proposed Order was attached to Movant's motion.
17. Deny that entry of an order granting relief from the automatic stay is appropriate or that there is a basis for not complying with Fed. R. Bankr. P. 4001(a)(3).
18. Deny that Movant sought concurrence, as the Trustee's counsel received no such request.

WHEREFORE, the Trustee prays this court deny the Wells Fargo Bank, N.A.'s Motion for Relief from the Automatic Stay and Entry of Order Waiving the Provision of Fed. R. Bank. P. 4001(a)(3).

Respectfully submitted,

/s/ Sonya N. Goll
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PROOF OF SERVICE

Sonya N. Goll hereby certifies that on the 10th day of February, 2021 a copy of the **Response to Wells Fargo Bank, N.A.’s Motion for Relief From the Automatic Stay and Entry of Order Waiving the Provision of Fed. R. Bankr. P. 4001(a)(3)** and this **Proof of Service** was served via electronically or by placing same in an envelope with sufficient postage thereon, and depositing same in a United States mail receptacle in the City of Southfield, State of Michigan to:

Craig B. Rule at crule@orlans.com	Michael A. Stevenson at mstevenson@sbplclaw.com
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/s/ Sonya N. Goll (P61136)

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